

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROSALIE CROWE,

Plaintiff,

v.

**3:09-CV-928
(FJS/DRH)**

**MICHAEL ASTRUE, Commissioner of
Social Security,**

Defendant.

APPEARANCES

OF COUNSEL

LACHMAN & GORTON

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Attorneys for Plaintiff

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**SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL
COUNSEL, REGION II**

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Attorneys for Defendant

KAREN T. CALLAHAN, ESQ.

SCULLIN, Senior Judge

ORDER

On August 13, 2009, Plaintiff commenced this action seeking judicial review of Defendant's final decision denying benefits pursuant to 42 U.S.C. § 405(g). *See* Dkt. No. 1. Defendant submitted his answer on January 4, 2010. *See* Dkt. No. 11. Plaintiff filed a brief in support of her complaint on February 9, 2010, *see* Dkt. No. 14; and Defendant filed his brief in opposition on April 28, 2010, *see* Dkt. No. 17. Plaintiff filed a reply brief in further support of

her complaint on May 4, 2010. *See* Dkt. No. 20. On August 2, 2011, Magistrate Judge Homer issued a Report-Recommendation and Order, in which he recommended that this Court affirm Defendant's decision denying benefits. *See* Dkt. No. 21 at 36. Neither party filed any objections to this Report-Recommendation and Order.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting that review, "the Court may 'accept, reject, or modify, in whole or in part, the recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Homer's August 2, 2011 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Homer's August 2, 2011 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

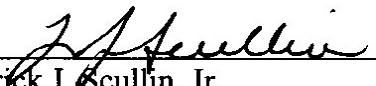
ORDERS that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

ORDERS that Defendant's final decision denying benefits is **AFFIRMED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: September 12, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge